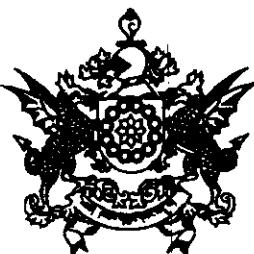


GOVERNMENT

SIKKIM



GAZETTE

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No. 35

GOVERNMENT OF SIKKIM
DEPARTMENT OF FORESTS, ENVIRONMENT & WILDLIFE
MANAGEMENT

No.766/FEWMD

Date 29.1.2008

NOTIFICATION

In exercise of the powers conferred by clause (c) of sub-section (2) of section 41 of the Indian Forest Act, 1927 (16 of 1927), the State Government hereby makes the following rules, namely:-

Short title and commencement 1. (1) These rules shall be called the Sikkim Forests (Payment of Fees for Sand and Stones) Rules, 2008
(2) They shall come into force on the date of their publication in the Official Gazette.

Definitions 2. In these rules, unless the context otherwise requires:-
(a) "authenticated copy" means a copy that is signed and stamped by the work implementing authority;
(b) "challan" means a receipt for payments of Rs. 1500.00 or above made to the Government Treasury or State Bank of Sikkim;
(c) "Conservator of Forests" means an officer of that designation in charge of territorial functions;
(d) "department" means any department of the Government of Sikkim;
(d) "environmental degradation" includes unauthorized breaking of land, dumping of soil, stones or other construction material, construction of any type, cutting of plants or trees, injuring or killing of animals, depositing of polluting materials;
(e) "fees" includes royalty or transit fees or any other fees imposed on sand or stones;
(f) "firms" includes Central Government departments, Central or State Government Public Sector Undertakings and private industrial or other enterprises;
(g) "Government" means the State Government of Sikkim;
(h) "sand" means riverbed sand;
(i) "stones" includes stone aggregates, stone chips, boulders or minerals extracted from forest land.

Sand or stones not to be transported except after payment of fees.	3. No person or department or firm shall transport sand or stones except after payment of fees for the sand or stones to be transported according to the rates fixed by Government by notification and from a quarry notified by Government under the Sikkim Forest (Allotment of Areas for Quarrying of Sand and Stone) Rules, 2006 or place allowed otherwise by Government.
Method of payment of fees	4. Every person who transports sand or stones shall pay the fees into the revenue account of the Forest, Environment and Wildlife Management Department in the Government treasury and obtain a bank receipt or challan and submit the same at the forest office or forest check post nearest to the source of the sand or stones and those en route to the destination, for examination, recording and stamping with departmental stamp at the time of transport of the said sand or stones.
<p>Provided that for works implemented by departments and firms the total payable fees shall be paid in two phases, 50% in advance, on receipt of which a transit pass for the entire quantity of sand or stone shall be issued from the office of the Conservator of Forests and the balance after completion of the work:</p> <p>Provided further that departments and firms shall furnish a statement in Form 'A', of the items of work for which fee is paid or is to be paid and an authenticated copy of the estimate of the items of work, while paying the advance of the payable fees.</p>	
Forest division to issue certificate	5. The final bill of a contractor of government works, or of a department or firm for any work shall be settled only after the contractor, department or firm, as the case may be, obtains a certificate, in Form 'B' from the forest division under whose territorial jurisdiction the work was done, which shall be issued after it has been ensured by the said forest division that,-
	(a) the contractor, department or firm has not caused any environmental degradation while executing the work and in case it has, then the same has been restored to the original state or compensated as provided by law and all vacant spaces of the work site filled up by suitable landscaping and plantation, and
	(b) all fees payable to the Government under these rules have been paid.
Officer to check whether payment is due.	6. A forest officer of rank not below that of a Range Officer or any other officer to be appointed by the Principal Chief Conservator of Forests may, if reasonable suspicion exists that some amount of money due to the Government has not been paid, enter upon any land to take measurements of works done or sand or stones stockpiled by any department or firm, to assess the quantity of sand or stones transported for use and cross check the payments of fees made on account of the transported sand or stones.
Officer to send bill of dues	7. If the forest officer or other officer, after taking measurements as provided for in rule 5, finds that some amount of money that is due to the Government has not been paid, then he shall send a bill of the said dues to the department or firm from whom payment is due to the Government.

**Government
Department or
firm to pay
dues in full.**

8. The department or firm, on receipt of the bill sent under rule 7, shall pay the amount indicated therein in full within 45 days of receiving it in the manner provided for in rule 4.

**Power of
Government to
amend rules.**

9. The Government if it deems it expedient and necessary so to do may, by notification to be published in the Official Gazette, make amendments to the provisions of these rules.

**S.T.LACHUNGPA, IFS
PCCF-cum-Secretary
Forest, Environment and Wildlife Management Department**

S.G.P.G. - 35 Gazette /150 Nos./Dt:- 2.2.2008.

Form A
(see rule 4)

NAME OF WORK:

NAME OF DEPARTMENT/ FIRM:

NAME OF CONTRACTOR:

LOCATION:

DISTRICT:

YEAR OF WORK:

Sl.No.	Name of item of Work	Materials Used (with specification, if any)	Quantity (in cft)	Rate (in Rs.)	Amount (in Rs.)
					TOTAL

Form B
(see rule 5)

CERTIFICATE OF FOREST DIVISION

This is to certify that Shri/ Messrs./ Firm/ Department of.....

has not caused any environmental degradation while executing the work

.....(name of work)

atof.....

.....(name of department to which the work pertains)

or,

This is to certify that Shri/ Messrs./ Firm/ Department of.....

had caused environmental degradation while executing the work

.....(name of work)

atof.....

.....(name of department to which the work pertains)

and which has now been settled as provided by law.

It is further certified that all vacant spaces at the work site(s) have been filled up by suitable landscaping and plantation and there are no outstanding payments, as provided in these rules, in respect of the aforesaid work.

Place:

Signature:

Date:

Name of Divisional Forest Officer:
(with office seal)